

112.01 LABOR COMPLIANCE**General**

This section is not intended to supersede or replace the Labor Compliance Manual, Direct Federal and Federal-Aid Construction. It is intended as a supplement to the manual and to provide a guide for project personnel. The following does not or cannot cover in detail all of the steps to take in the many and varied problems that will arise in labor compliance but, in general, should give a method of approach. In all cases where there are variances in labor compliance, we should make sufficient investigations to be sure that we are on firm ground, and then proceed accordingly. There are many legal ramifications in labor laws; and if you are not certain, ask for help. It is suggested that periodically the section in the proposals covering labor compliance and the Labor Compliance Manual be reviewed.

All mechanics and laborers employed at the job site who perform part of the contract work (either as an employee of the prime contractor or subcontractor or other person who furnishes on-site labor) are covered under the contract labor provisions. The term "job site" will include any location or facility which, although geographically separated from the project location, is designated to serve exclusively (or nearly exclusively) the needs of a particular project.

Pursuant to the contract labor provisions, representatives of the contracting agency and the U.S. Department of Labor are authorized to interview employees during working hours on the job concerning labor compliance. Systematic spot interviews are to be made by the Resident or Supervising Engineer with the employees of the contractors or subcontractors on the job to establish that the minimum wage and other labor standards of the contract are being fully complied with and that there is no misclassification of labor or disproportional employment of apprentices, etc. (See Exhibits 112-4 and 112-5.)

Questions regarding labor compliance, which cannot be resolved at the district level, should be directed to the Construction Engineer (Department of Labor Compliance Officer) or the Construction staff.

Labor Reports and Posters

The posting of certain notices and the submission of reports on labor are specified by Form FHWA-1273, Required Contract Provisions, All Federal-Aid Construction Contracts, which is included in all federal-aid contracts. The following is a list of the required reports and posters:

A. Reports

1. Weekly Payrolls (WH-347 - Optional)
2. Statement of Compliance (WH-348 or reverse side of WH-347)
3. Appointment Affidavit

B. Posters

1. Wage Rate Information (FHWA-1495)
2. Wage Determination Schedule in the Contract
3. Notice to Employees (FA Projects) (WH-1321)
4. False Statement Poster (PR-1022)
5. See Section 107 for Safety Posters
6. See Section 113 for EEO Posters

All reports shall be sent to the Resident. If the contractor does not comply with these regulations, it may be necessary to impose sanctions as necessary to ensure compliance. Federal Form FHWA-1273 (Required Contract Provisions, Federal-Aid Construction Contracts) may be used as a guideline for imposing sanctions for noncompliance.

Weekly Payrolls

The submission of weekly payrolls is required on all Federal-aid projects, unless otherwise stated in the contract and/or agreement.

Payrolls are to be submitted to the Resident. In turn, they will be checked and retained as part of the project file. Detailed checking of all payrolls is not necessary. A check of the first payroll and subsequent spot checks will fulfill requirements except on certain projects where experience with the individual contractor indicates that a thorough review of each payroll is necessary.

Payrolls must be numbered. Consecutive numbering should be maintained for prime contractor and each subcontractor (or sub-subcontractor) that is working on the project. It is not necessary for the contractor to submit payrolls for time periods that he does not work. When payrolls are not submitted during nonwork periods, the contractor (or subcontractor) should make a statement on his last payroll that no work will be accomplished until further notice. However, the Resident should have adequate documentation in his files to substantiate the fact the contractor was not performing work during periods when no payrolls were submitted. When work is resumed after suspension, the next consecutive number should be assigned.

There is no mandatory format for a contractor or subcontractor payroll; however, all payrolls must contain the following information:

- A. The employer's full name must be shown on each weekly payroll submitted. The employee's address and social security number must also be shown on the payroll covering the first week in which the employees worked on the project. "General Delivery" is not an acceptable address. Any permanent address through which the employee may be located is satisfactory. The need to locate is in the interest of the employees, in those cases of restitution of wages due. The employee's address need not be included again unless his address changes.
- B. All individuals employed to perform work on the contract must appear on an authorized payroll along with their classification.

- C. Project numbers must be shown on each payroll.
- D. Payrolls must show the hours worked each day and the overtime must be shown separately.
- E. Wages must not be less than those shown in the wage determination.
- F. Itemize deductions made. Authorized deductions include those allowed or ordered by law (such as taxes and liens) and those requested by the employee. Any deductions which are questionable should be verified as correct with the Resident so that only deductions authorized by the Copeland Act are included on the payroll.
- G. An advance of wages must be shown on the payroll as "Prepayment of Wages."
- H. Net wages paid.
- I. Copies of payrolls must be completely legible. Faded or blurred copies will not be accepted.

Labor classifications must be accurate and complete in accordance with the wage decision as established by the contract.

- A. Laborers are "Labor, General" or "Sloper" or "Form Stripper," etc.
- B. Terminology must conform to the wage decisions (e.g., "Pumpman" not "Pump Operator").
- C. Trucks and water trucks, when listed, must show the type and/or capacity or size. Other types of equipment should be classified accordingly.
- D. Use a minimum of abbreviations. The possible variations in abbreviations are endless.
- E. Where brand names are used in the wage decisions (e.g., Tournapulls, DW-20, DW-21, Euclid and Similar, and an S-18 Payscraper) or some other brand name is used, add a descriptive term such as "S-18 Scraper Operator."
- F. All terms and abbreviations used must be understandable by people not familiar with construction equipment. If a job code number classification system is used, a copy of this must accompany the first payroll.
- G. If additional classifications are necessary, the contractor shall apply to the Department for the necessary additional classifications and wage decisions using Form FHWA-1140, Additional Classification and Wage Rate Report.

Form FHWA-1140, Additional Classification and Wage Rate Request, is designed for reporting additional classifications and wage rates to the Secretary of Labor which are not covered by the schedule of prevailing rates.

It is suggested that the Resident complete the top portion of the form, marking the appropriate block, identifying the State and items 1 through 6. The official's name inserted in item 2 will be the District Engineer who will also sign item 10.

It shall be the responsibility of the contractor to make the negotiations with the union or the prospective employee and complete the remaining applicable portion of the report.

Upon completion of the report, the contractor shall return it to the Resident for submittal to the district office.

Following is the minimum copy requirement and the distribution to be made by the district:

- A. Original - Division of Contract Wage Determination (ESA), Department of Labor at the address indicated on the FHWA-1140 form (mail direct).
- B. One copy each to the District Office, Resident, Federal Highway Administration, Central Files, and Construction Section.

It will be the responsibility of the contractor and union to secure their own copies before returning the report to the Resident.

If an error is discovered, the payroll should not be returned for correction. A supplemental or corrected payroll should be requested.

Statement of Compliance (WH-348)

Each payroll is to be accompanied by a statement of compliance, which is to be signed by an authorized agent of the contractor who has knowledge of the facts represented as true. The statement indicates that the payrolls are correct and complete, the wage rates contained therein are not less than those required by the contract wage determination, and the classifications set forth for each laborer or mechanic conform with the work he performed. The statement of compliance may be made by one of the following alternates:

- A. The contractor may use Form WH-348, Statement of Compliance, for attachment to his own payroll form.
- B. The contractor may use Form WH-347, the Optional Payroll form, which incorporates the statement of compliance on the reverse side.
- C. The contractor may prepare and submit his own form, which can be attached to his payroll or contained thereon, as long as identical wording to Form WH-348 is used.

The Idaho Division of Highways does not furnish these forms. They may be purchased from:

U.S. Department of Commerce
Room 217
520 S.W. Morrison Street
Portland, OR 97204

Payrolls

Contractor's payrolls are public records and are subject to disclosure, by statute, upon request. When such a request is received, it is suggested they be referred to the party who originated the document. If the individual cannot obtain the information from the Contractor, they should state this in a letter to the District Engineer.

Upon receipt of this letter, the District will mail a copy of the requested information to the individual. The cost for providing this service will be in accordance with Section 19-001.355 of the Financial Accounting Manual.

Only information pertaining to the individual's wages and certification of the payroll need to be provided.

Appointment Affidavit

The appointment affidavit is required if a person other than a corporate officer, partner, or the sole proprietor is authorized by the contractor or subcontractor to execute weekly payroll statements.

The affidavit forms are supplied to the contractor with the notice of intent to award and should accompany the first payroll from the contractor or his subcontractor.

Wage Rate Information (FHWA-1495)

All federal-aid contracts include a schedule of job classifications and minimum wage rates to be paid. Any incorrect classification of workmen or level of wages paid by the contractor, if not corrected after being called to the contractor's attention, shall be reported to the Construction Section. Any charges made by an employee on any federal-aid project in regard to incorrect job classifications or wage rates shall be promptly investigated and the findings reported to the Construction Section.

Overtime**A. Federal-Aid Projects**

All hours worked in excess of 40 hours a week must be paid at one-and-a-half times the basic wage rate. The term "basic wage rate" means the straight time hourly rate actually being paid or the contract minimum rate, whichever is greater. The basic wage rate for computing the overtime does not include fringe benefit payments. However, the prevailing fringe benefits are set forth in the contract wage determination and are required to be paid for all straight and overtime hours worked unless otherwise stated in the wage determination. Fringe benefits are applied to overtime as though it was straight time. State holidays will be considered as a normal workday.

B. Nonfederal-Aid Projects

All hours worked in excess of 40 hours per workweek must be paid at one-and-a-half times the basic wage rate. The term "basic wage rate" is described in 'A' above.

Special Classifications**A. Survey Personnel**

Survey Personnel employed by the contractor are not generally covered by the Davis-Bacon Act. Specifically, the duties of the basic crew consisting of crew chief, instrumentmen, rodmen, chainmen and stake setter have been determined by the Department to be professional or sub-professional in character. These individuals would not be considered as laborers or mechanics for Davis-Bacon purposes.

In those uncommon instances where Amex, sawyers, equipment operators, etc., are employed on the crew for clearing line or other labor intensive support of the surveying function, the individuals thus employed are considered to be "laborers" and are within the coverage of Davis-Bacon and related acts.

Payroll submittals are not required for noncovered employees.

B. Owner-Operator

This applies only to trucks. The owner-operator concept does not encompass other equipment such as bulldozers, scrapers, backhoes, cranes, drilling rigs, etc.

Truck owner-operators are not subject to the wage rates prescribed by the Department of Labor. Such owner-operators shall be listed on payrolls with the notation "owner-operator" after each name. Neither hours worked nor wages paid need be shown.

In some cases, an owner-operator has more than one truck employed on a contract. Other operators must be paid Bacon-Davis wages. If employed by the owner-operator, the owner-operator must be a subcontractor.

Individuals operating leased trucks can be considered owner-operators if they provide evidence, satisfactory to the Resident Engineer, that they have a bona fide lease agreement.

Such existence of a bona fide lease agreement shall depend upon evidence that the individual claiming to be an owner-operator is independently established in his/her own trucking business and that he/she bears ultimate responsibility for operation of the unit and is wholly responsible for cost items such as:

- Maintenance
- Insurance (Comprehensive, collision, liability, etc.)
- Permits, base plates, licenses and taxes
- Fuel
- Oil
- Major and minor repairs
- Ferry charges and toils
- Driver's remuneration

To be considered responsible, the owner-operator must bear the risk of loss.

To be considered an owner-operator, it must be demonstrated that there is no close or continued supervision of the operation of the truck by the company leasing the truck. This means that the owner-operator may not work on a project upon which the lessor is a prime or subcontractor.

C. Guards and Watchmen

These employees who serve in no other capacity are not covered under the Davis-Bacon Act; however, they are covered by the Contract Work Hours Standards Act. Therefore, they must receive time-and-a-half for work over 40 hours a week. The straight-time hourly rate must be at least equal to the current minimum rate under the Fair Labor Standards Act.

D. Working Foremen

Supervisors are not covered by the Contract Labor Provisions; however, if a Supervisor performs a laborer's or mechanic's work for a regular and substantial portion of his time, he is subject to the Contract Labor Provisions. A substantial period would be the same as above -- over 20 percent.

E. Supplier Truck Drivers

Federal labor laws and regulations explicitly exempt suppliers of a contractor for federal-aid work from the provisions of the Davis-Bacon Act (payment of prevailing wages).

For a supplier to be exempt from paying prevailing rates, the supplier must be established with a history of sales to the general market. A history of sales to the general market has been determined by the FHWA in concert with the Department of Labor to mean sales transacted prior to the opening of bids for the federal-aid project to be subsequently supplied.

The question has arisen on several occasions where a contractor or subcontractor has opened a new aggregate source adjacent or near to a state highway project and has declared the source a commercial venture, the operation of which should be exempt from application of Davis-Bacon rates. In these situations, the venture will be considered commercial only if sales to the public and other consumers have been transacted by the supplier, from that source, prior to the ITD project bid opening.

When determining whether the hauling work done by truck drivers falls under Davis-Bacon coverage, one must look at three scenarios:

- (1) If the work involves hauling being done on the actual "site of the work," that is, the physical place or places where the construction called for in the contract will remain when work on it has been completed, the truck drivers are covered by the Davis-Bacon Act and are subject to prevailing wage rates. An example of this scenario would be truck drivers hauling excavation from one part of the project to an embankment area elsewhere on the project.
- (2) Similarly, if the work involves hauling from an adjacent or nearby property dedicated exclusively, or nearly so, to performance of the contract or project, and so located in proximity to the actual construction location that it would be reasonable to include them, the truck drivers again are covered by the Davis-Bacon Act and are subject to prevailing wage rates. An example of this scenario would be truck drivers hauling crushed based from a noncommercial, designated source. This would include noncommercial contractor-provided sources.
- (3) However, if the work involves hauling being done from an off-site location (e.g., at permanent home offices, branch plant establishments, fabrication plants, and/or tool yards of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular federal or federally assisted contract or project), the truck drivers are not covered by the Davis-Bacon Act and are not subject to prevailing wage rates. Similarly, fabrication plants, batch plants, borrow pits, job headquarters, etc., of a commercial supplier or materialman which are established by a supplier of materials before opening of bids and are not on the project site are not a part of the "site of the work," even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract. An example of this scenario would be truck drivers hauling plant mix from a commercial batch plant and unloading into the paver or in windrow.

These determinations of Davis-Bacon coverage must be based solely on the location of the truck driver's job site, rather than the employment status of the driver. These determinations of coverage must occur on a case-by-case basis, so it is important that the contractor indicate as early as possible how trucking and handling operations will occur on the project.

Reserved

Zone Differentials

The wage schedule may indicate different rates depending on established zones for the various crafts. Determination of zone shall be based on the location of the project. If the project is located in two zones, the lower rate applies as shown by note on the wage rate pages.

It is not acceptable for a contractor to pay employees at a lesser rate than project zone rates because of such situations as truck drivers commencing work at a shop, which may be in a lower-rate zone. Any questions concerning zone-differential pay rates should be referred to the Construction Section.

Findings of Noncompliance

The requirements of the Davis-Bacon Act, Contract Work Hours Standards Act, and the Copeland Anti-Kickback Provisions are to be enforced, and payrolls will be required at all times during the time the contract is in force. Any work, on the job after the date of award until the final completion of the contract, will require enforcement of labor compliance acts and the submittal of payrolls and other required documents by the contractor. The final date of the contract is the final day that any work is done on the project that is required by the contract or, in most cases, the date of the final acceptance letter. If additional work is required after the final inspection before the contract can be accepted, this, of course, would be part of the contract. It is the Legal Section's opinion that the work done after this date to move equipment from the project would not fall under the contract. It would probably be work required to move the equipment to the next job.

There are two ways possible violations of the contract's labor compliance requirements may be uncovered: A) Discovery by the Division in reviewing records and B) Receipt of a complaint by project personnel, labor unions, the Labor Department, or other outside individuals and organizations.

A. Discovery by the Division

1. Notify the contractor of the possible variation. In this letter, ask for the contractor's help or an explanation of the matter.
2. If it is found that the variation is not in existence but the reporting or reports were in error, ask for an amendment or a corrected report. DO NOT return the reports to the contractor.

3. If the variance is in doubt or if it is denied by the contractor, a complete investigation should be made. This should include interviews with the person or persons involved in noncompliance with the contractor's representative and all other personnel involved. It may require an audit of the contractor's records.
4. From the time that the possible noncompliance is uncovered until its final disposition, a good chronological record should be kept. The contractor should be kept informed of actions and progress in the investigation at all times (preferably in writing). It may be desirable to seek assistance from the Construction Section and/or the Legal Section.
5. If the contractor is found to be in noncompliance with the contract requirements, he should be informed in writing of the nature of the noncompliance and be asked to take the necessary action to correct the problem. This letter should point out in detail the findings and the penalties when the violation requires a penalty.
6. If the contractor does not take the necessary action within a reasonable length of time or refuses to correct the nonconformance, the Construction Section should be contacted, and action should be started to enforce the contract as permitted by the Specifications and contract document.

B. Complaint by Others

1. When a complaint is received by another agency or individual, acknowledge the receipt of the complaint in writing and assure the complainant that an investigation will be made. Ask for additional information and details, if available.
2. Immediately notify the contractor of the complaint and inform him that you desire his help in the necessary investigation that will follow.
3. Contact the offended, or supposedly offended, employee and ask for his complaint in writing.
4. If the contractor does not agree at this time that the complaint has substance, steps 3 through 6 outlined above should be followed.

ITD Jurisdiction

There have been cases where we became involved in areas that are not under our jurisdiction or not a part of the contract. Some of these areas are as follows:

- A. Under Idaho law, we cannot become involved or withhold payment because labor by suppliers or materials or supplies have not been paid for. Unpaid claims originating from these sources should be made against the payment bond. (See Construction Manual, Section 103.04, for more information.)

- B. We should avoid any jurisdictional disputes. These matters are to be determined by the Department of Labor, the AGC and the unions.
- C. We should not become involved in any contract or agreement between the unions and the contractors but should enforce only those provisions required by our contract.

If there is an underpayment of wages, a supplemental certified payroll must be furnished indicating that restitution has been made. A supplemental payroll should indicate only the amount paid to the employee as restitution of wages due, not the entire amount paid to the employee for the week which the underpayment occurred. It may be necessary in certain instances to furnish additional proof of payment in the form of photostatic copies of both sides of the adjustment check or a signed receipt from the employee. Willful failure to pay any wages due, including fringe benefits, can result in debarment and criminal prosecution.

Possible Labor Violations

Some of the most frequent labor violations result from the following situations:

A. Subcontractor Violations

The prime contractor at times fails to realize that he is responsible for his subcontractor's labor compliance and that the contracting agency has no direct contract with the subcontractors and must deal with the prime in these matters. This can result in the prime contractor being responsible for restitution of wages due for the labor violations of his subcontractors.

B. Employees Working in More Than One Classification

A contractor may fail to record on the payroll those cases where an employee works in more than one classification for any meaningful period of time (1/2-hour increments or more) with varying pay scales.

C. Owner-Operators with a Truck Fleet

An owner-operator who owns more than one truck used exclusively for hauling and employs other drivers to operate them on the project would be considered a subcontractor. Either the prime contractor or the subcontractor would be required to submit payrolls verifying that the employees have been paid wages in accordance with the contract requirements.

D. Failure to Pay Fringe Benefits

The minimum rates for fringe benefits are shown in the contract wage schedule. Employers may make payment of the required benefits in the following manner:

1. To an established approved program. These programs are approved by the U.S. Department of Labor. Generally, an employee accepts this method of payment of fringe benefits as a condition of employment. This is not an accepted method of payment unless the program is already approved by the U.S. Department of Labor.

2. Programs such as health insurance, life insurance, retirement accounts, savings accounts, etc., where the employee is signatory to the program. The employee must be enrolled in the program and designate the beneficiaries. Acceptance of this method of payment of fringe benefits is based upon the employee authorizing his/her employer to enter the employee in these programs.
3. A direct payment of cash to the employee.
4. Any combination of the above.

Regardless of the method of payment, it must be stated and made clear on the statement of compliance. If payment is by cash, it must be readily ascertained from the payroll.

Review of Contractor's Payroll

Following is a checklist, which may be used when checking a contractor's payroll.

- A. Is project number on the payroll?
- B. Does payroll show payroll period covered?
- C. Is employee's full name and address shown? (Employee's address and social security number need to appear only on the first payroll on which his or her name appears. Subsequent changes of address will need to be reported.)
- D. Are classifications complete and in accordance with the contract wage decision?
- E. From your knowledge, are workers properly classified for work performed?
- F. If codes are used for classifications, has copy of code been submitted?
- G. From your knowledge, are all hours worked each day shown on the payroll?
- H. Is the Work Hours Standard Act complied with, as to payment of wages for work, in excess of 40 hours a week?
- I. Are wage rates at least equal to those in the contract wage decision?
- J. Are fringe benefits paid as required by the contract wage decision?
- K. Are net wages paid shown on the payroll?
- L. Are deductions allowable or authorized?
- M. Are any apprentices in an approved program and is status shown?
- N. Is payroll mathematically correct?

- O. Does the payroll include the required statement of compliance?
- P. Has the payroll been submitted within one week following the end of the work covered by the payroll?
- Q. Is the minimum wage rate determination, the "Notice to Employees" poster and the false statement poster, posted conspicuously on the job site?

If any of the above questions are answered "No," the contractor should be requested to take corrective action.

The specifications allow the Engineer to withhold progress estimates if the contractor or his subcontractors are not submitting payrolls on a timely basis.

Under no circumstances should any payroll be returned to the contractor for correction. Any corrections necessary must be on a supplemental payroll prepared and submitted with a statement of compliance in the same manner as the original payroll.

Where underpayment of wages is concerned, the supplemental payroll should be only for the difference between what the employee was paid and what he should have been paid. If the employee has left the contractor's rolls, the contractor must not only furnish the supplemental payroll but also submit proof of payment which may be accomplished by furnishing copies of both sides of the canceled check.

When no work is performed on the project, no payroll or weekly statement is necessary. If the last payroll contains a statement with a notification that "This is the last payroll until work is resumed," and submissions are promptly resumed when work begins again, there is no problem. Upon completion of work by the prime contractor or subcontractor, the payroll should be marked final.

Semiannual Labor Compliance Enforcement Report

The Department is required to file a summary report of labor compliance activities with FHWA twice annually for the periods of 10/1 through 3/31 and 4/1 through 9/30. (See Exhibit 112.9.)

Each Resident shall compile information for Federal-aid projects under his jurisdiction for the period required and submit the reports through the district EEO coordinator to the Construction Section. The Resident shall provide information for all lines on the report with the exception of lines 2 and 3 regarding number and value of contracts awarded.

District submittals of the report should be received in headquarters no later than the end of the first full week following the end of the reporting period.

The Construction Section will accumulate the district-supplied information and submit a statewide report to FHWA.

Labor Compliance Reports and Forms

Following are several exhibits pertaining to labor compliance:

Exhibit 112-1	Form WH-348, Statement of Compliance
Exhibit 112-2	Appointment Affidavit
Exhibit 112-3 (a-b)	Form FHWA-1140, Additional Classification and Wage Rate Report
Exhibit 112-4 (a-c)	Sample of an inquiry letter written to a contractor's employee. This should be sent by certified mail.
Exhibit 112-5 (a-b)	Form DH-2014, Labor Compliance/Employee Interview
Exhibit 112-6	Form PR-1022, Labor Compliance Poster
Exhibit 112-7	Form FHWA-1495, Wage Rate Information Poster
Exhibit 112-8	Form WH-1321, Notice To Employees
Exhibit 112-9	Form FHWA-1494, Semiannual Labor Compliance Enforcement Report

U.S. DEPARTMENT OF LABOR
WAGE AND HOUR AND PUBLIC
CONTRACTS DIVISIONS

STATEMENT OF COMPLIANCE

Form Approved
Budget Bureau No. 44-121093

Date _____

I, _____, _____ do hereby state:
(Name of signatory party) (Title)

(1) That I pay or supervise the payment of the persons employed by _____ on
(Contractor or subcontractor)
the _____; that during the payroll period commencing on the _____ day of _____,
(Building or work)
19__ and ending the _____ day of _____, 19__ all persons employed on said project have been paid the full
weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____
_____ from the full weekly wages earned by any person and that no deductions have
(Contractor or subcontractor)
been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined
in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat.
948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☐ - In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☐ - Each Laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS

NAME AND TITLE	ADDRESS	TELEPHONE	DATE
Mr. J. Edgar Hoover	Washington, D. C.		
Mr. Clegg			
Mr. Glavin			
Mr. Ladd			
Mr. Nichols			
Mr. Rosen			
Mr. Tracy			
Mr. Carson			
Mr. Egan			
Mr. Gurnea			
Mr. Hendon			
Mr. Pennington			
Mr. Quinn			
Mr. Nease			
Mr. Gandy			

SIGNATURE

THE WILFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

Form WH-348 (1/68)

APPOINTMENT AFFIDAVIT

State of _____)
County of _____) ss

I, (We) _____ (Name of Contractor) do hereby certify that _____

(Name of Individual authorized to make out payrolls and pay employees) is

an employee of _____

(Name of Contractor) and that he is in a position to have full knowledge of the facts set forth on certified payroll forms with respect to wages due and paid to each person employed by the said Contractor (Subcontractor), and has authority to execute payroll affidavit forms which are to be attached to each weekly payroll for the construction

of _____

_____ (project).

(Name of Contractor)

By _____
(Title)

Sworn to before me this _____ day of _____

(Seal)

My commission expires _____

The above affidavit shall be filed with the first affidavit with respect to wages paid to employees.

In the event of a change in the officer or employee who supervises the payment of employees, a similar affidavit shall be immediately filed.

In the event that the Contractor or Subcontractor is a corporation, such affidavit shall be executed by its president or vice-president. In the event that the Contractor or Subcontractor is a partnership, such affidavit shall be executed by a member of the firm.

U. S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION		
ADDITIONAL CLASSIFICATION AND WAGE RATE REQUEST		
<small>Note: See Instructions on reverse before completing form.</small>		
TO: Division of Contract Wage Determinations (ESA) U. S. Department of Labor Room 5 3012, 200 Constitution Avenue, N. W. Washington, D. C. 20210		1. PROJECT NUMBER
2. ORIGINATING OFFICE (Region, if Direct Federal) (If Federal-Aid name and address of State Highway Agency)		3. DATE PREPARED
4. DATE OF CONTRACT AWARD	5. COUNTY	6. STATE
To complete the work provided for under the above contract, the following rate(s) for the indicated classification(s) not included in the Department of Labor Wage Rate Decision NO. _____ has (have) been proposed for the above described project.		
7. CLASSIFICATION	7a. RATE	7b. EFFECTIVE DATE
AGREEMENT — Signatures below of representatives of the contractor and of the labor representative or the employee(s) concerned indicate their positions upon the rate(s) and classification(s) proposed above.		
8. SIGNATURE OF (Check one) <input type="checkbox"/> LABOR REPRESENTATIVE <input type="checkbox"/> EMPLOYEE(S) <input type="checkbox"/> CONCUR <input type="checkbox"/> DO NOT CONCUR		9. CONTRACTOR REPRESENTATIVE (Signature) <input type="checkbox"/> CONCUR <input type="checkbox"/> DO NOT CONCUR
12. TITLE OF LABOR REPRESENTATIVE		11. TITLE OF CONTRACTOR REPRESENTATIVE
13. DATE		10. DATE
14. LABOR ORGANIZATION		15. CONTRACTOR (Name and Address)
16. SUBMITTING OFFICIAL <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%; text-align: center;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (DATE)</div><div style="width: 45%; text-align: center;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (NAME) <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> (TITLE)</div></div>		
IMPORTANT: THE PROPOSED CLASSIFICATION(S) AND/OR WAGE RATE(S) DO NOT BECOME OFFICIAL UNTIL THE WRITTEN APPROVAL OF THE UNITED STATES DEPARTMENT OF LABOR IS RECEIVED.		

APPENDIX C-5—Continued

INSTRUCTIONS

This form is to be used for establishing additional classification(s) and wage rate(s) for Direct Federal and Federal-aid construction contracts pursuant to Title 29, Code of Federal Regulations, Section 5.5.

Item 2 — Originating Office: The Region is the originating office on Direct Federal projects. On Federal-aid projects the State Highway Agency will originate the request.

Item 7 — Classification: The terminology used for additional classifications shall conform to that used by the Department of Labor in the area; and rates shall be not less than the wage rates prevailing for the classifications involved as of the date of the original Department of Labor wage rate decision governing the project, or as of ten days preceding the opening bids, whichever is later.

Item 8 — Where the employee is a member of a union or other employee collective bargaining unit, the labor representative shall execute the form indicating concurrence or non-concurrence in the proposed classification(s) and/or rate(s). If the employee is not a member of such an organization, the employee himself shall execute the form indicating his concurrence or non-concurrence.

STATE OF IDAHO

JOHN V. EVANS
GOVERNOR
IDAHO TRANSPORTATION BOARD
CARL C. MOORE — CHAIRMAN
LLOYD F. BARRON — VICE CHAIRMAN
JOHN M. OHMAN — MEMBER
E. DEAN TISDALE
DIRECTOR

**TRANSPORTATION DEPARTMENT**

PO. BOX 7129

BOISE, IDAHO 83707

Dear Sir:

This office is responsible for assuring that employees of contractors engaged in highway construction are paid in accordance with the contract for all hours worked. The purpose of this letter is to ascertain whether you are receiving proper pay for your work classification and all hours worked.

This inquiry is being sent to you, rather than conducted on the project site, so as to ensure your anonymity. Information received regarding this matter is considered confidential and your identity will not be disclosed to the employer without your written consent.

We would appreciate you answering to the best of your knowledge the following questions: (You may either answer on this letter or on a separate sheet of paper referencing your answers to the number of the question answered.)

1. Payroll records indicate you were employed by _____
(Name and Address)
_____ on our project _____
(No.)
_____ during _____
(Common Name) (Date)
through _____.
(Date)

2. Records indicate you were employed as a _____
(Classification)
_____.

SAFE TRANSPORTATION MEANS PROGRESS

EQUAL OPPORTUNITY EMPLOYER

(a) Please indicate your duties and tools used. _____

3. Predetermined contract wages for this classification are _____ (Rate)

 (Fringes)

A. Were you being paid this scale?

(1) If not what was your rate of pay? _____ (Rate)

 (Fringes)

(2) What evidence do you have to substantiate a claim of underpayment?
 (Time cards, check stubs, diaries, cancelled checks).

4. Were you paid at the rate of time and one-half, for all hours worked in excess of 40 hours per week?

 YES

 NO

(a) If not, how many hours were you underpaid and on what dates?

 Hours (estimated)

 Dates (Approximately)

(b) What records or evidence do you have to substantiate a claim of underpayment (Time cards, check stubs, cancelled checks)

5. What was the normal starting time each day? _____

How much time were you allowed for lunch? _____

3/89W

DH-2014 1/82
27-136000-3

LABOR COMPLIANCE/EMPLOYEE INTERVIEW



Employee: _____ Project No.: _____
Signature: _____ Contractor or Sub.: _____
Social Security No.: _____ Payroll Period: _____ to _____
Payroll Class.: _____ Interviewer: _____

1. Have you seen the wage rate postings? _____ Yes _____ No
Where? _____
2. Is your wage rate equal to or greater than that shown on the Posting
for the area and zone in which you work? _____ Yes _____ No
3. What are your hours of work? _____
4. Are you being paid for all the hours your work? _____ Yes _____ No
5. Are you being paid for all overtime work (over 8 hrs/day or 40 hrs/wk
on federal-aid projects or over 40 hours/wk on nonfederal-aid projects)
at a rate not less than $1\frac{1}{2}$ times the posted straight time? _____ Yes _____ No
6. Are you paid each week for the previous week? _____ Yes _____ No
7. Other than possibly union dues, do you pay anyone for the right to work
on this project? _____ Yes _____ No
Who? _____
8. Is any money deducted from your pay except for income tax and FICA? _____ Yes _____ No
If yes, what are the deductions? _____

9. Are you doing the work your classification Calls for? _____ Yes _____ No
If not, what other work are you performing, and how often? _____

10. Are you working for your employer at places other than on this project
during any one week? _____ Yes _____ No
If yes, where _____
Are you paid for this work? _____ Yes _____ No
11. What was the net amount of your paycheck for the pay period indicated
above? \$ _____
12. Is permission given to divulge to your employer the information in this
statement? (Employee: Initial selected answer) _____ Yes _____ No

DH-2014 1/82 (Reverse Side)

FOR INTERVIEWER

From information provided in this interview:

1. Is employee properly classified? _____ Yes _____ No
2. Is employee being properly paid? _____ Yes _____ No
3. Comments: _____

Interviewer Signature

Interview Date

FOR PAYROLL CHECKER

From information provided in this interview form and from payroll information:

1. Is the interview information in agreement with data provided on the payroll? _____ Yes _____ No
2. Are the contract requirements being met? _____ Yes _____ No
3. Comments: _____

Payroll Checker Signature

Date



NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented,

"Shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

<p><i>(Federal-Aid projects only)</i></p> <p>STATE HIGHWAY DEPARTMENT</p>
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<p><i>(Both Federal and Federal-Aid projects)</i></p> <p>FEDERAL HIGHWAY ADMINISTRATION</p>
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U. S. DEPARTMENT
OF LABOR

IMPORTANT

U.S. DEPARTMENT
OF TRANSPORTATION

WAGE RATE INFORMATION

FEDERAL-AID HIGHWAY PROJECT

Construction work on this project is subject to the minimum wage rate provisions of Section 113, Title 23, United States Code and the overtime wage provisions of the Contract Work Hours and Safety Standards Act.

As an employee of the contractor or a subcontractor, you are entitled to be paid not less than the hourly rate for the particular classification of work performed as set forth in the schedule affixed below.

The schedule affixed below contains no minimum wage rates for the following employees:

1. Apprentices properly registered under approved Federal or State apprenticeship programs. Each approved program contains the applicable rates.
2. Persons employed pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs. Programs thus certified will set forth the rates applicable.

Call any failure to receive the required rates to the attention of the representative of the contracting agency shown below or the nearest representative of the Federal Highway Administration.

(State highway department representative)

Additional information may be obtained from the Federal Highway Administration, Washington, D.C. 20690.

Any communication should list the name, location, and type of project, the name of the contractor and his address, your name and address, and a statement of what you do, what rate you are paid, and what rate you think you should be paid.

(Attach Secretary of Labor minimum wage rate schedule)

**UNITED STATES
DEPARTMENT
OF LABOR
WAGE AND HOUR
DIVISION**



NOTICE TO EMPLOYEES

WORKING ON FEDERAL OR FEDERALLY FINANCED CONSTRUCTION PROJECTS

MINIMUM WAGES

You must be paid not less than the wage rate in the schedule posted with this Notice for the kind of work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 8 a day or 40 a week—whichever is greater. There are some exceptions.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, contact the Contracting Officer as given below:

or you may get in touch with the nearest office of the Wage and Hour Division, U.S. Department of Labor. The Wage and Hour Division has offices in several hundred communities throughout the country. They are listed in the U.S. Government Section of most telephone directories under Department of Labor, Employment Standards Administration.

U.S. DEPARTMENT OF LABOR
Employment Standards Administration

WH Publication 1121

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION		REGION OR DIVISION	
SEMIANNUAL LABOR COMPLIANCE ENFORCEMENT REPORT (Pursuant to 29 C.F.R. 5.7 (b))		DATE	
FOR PROJECTS SUBJECT TO THE DAVIS-BACON AND RELATED ACTS			
ITEM		NUMBER	AMOUNT
1. Period Covered From: 19 To: 19			
2. Number of Prime Contracts Awarded			
3. Total Dollar Amount of Prime Contracts Awarded			\$
4. Number of Contractors/Subcontractors Against Whom Complaints Were Received			
5. Number of Investigations Completed			
6. Number of Contractors/Subcontractors Found in Violation			
7. Amount of Wages Found DUE	(a) Davis-Bacon and Related Acts		\$
	(b) Contract Work Hours and Safety Standards Act		\$
8. Number of Employees Due Wage Restitution Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act			
9. Amount of Liquidated Damages Assessed Under the Contract Work Hours and Safety Standards Act			\$
REMARKS			
NAME OF LABOR COMPLIANCE OFFICER			
NAME AND TITLE OF SIGNER (if other than above)		SIGNATURE	